

#31

Attorney Docket No. 32892.00002

**PATENT**

**Submitted under:  
37 C.F.R. §1.102; and  
M.P.E.P. §708.2 (XII)  
Petition to Make Special**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

I hereby certify that this paper and fee are being deposited with the United States Postal Service "Express Mail Post Office" to Addressee, Express Mailing Label No. EE863295453US, under 37 C.F.R. §1.10 on February 26, 1999, and is addressed to the Honorable Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231.

*Peter J. Manso*  
Peter J. Manso, Reg. No. 32,264

*February 26, 1999*  
February 26, 1999  
Express Mail Date  
Express Mailing Label No. EE863295453US

**RECEIVED**

**LAB 1900**

In re Application of: David J. Bova  
Serial No.: 08/368,378  
Filing Date: January 14, 1995  
Group Art Unit: 1931  
Examiner: J. Venkat  
Title: *NICOTINIC ACID COMPOSITIONS FOR TREATING  
HYPERLIPIDEMIA AND RELATED METHODS THEREFOR*

Assistant Commissioner of Patents  
Washington, D.C. 20231

February 26, 1999

Dear Sir:

**NOTICE OF APPEAL FROM THE EXAMINER  
TO THE BOARD OF PATENT APPEAL AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences the decision dated August 26, 1998, of the Examiner finally rejecting all pending claims, i.e., 1-9 and 15-18.

Also submitted herewith is a Response After Final, including Attachments A-E.

Kindly direct all correspondence concerning the above-identified application for U.S. patent

to:

03/02/1999 CHONG 00000130 100447 08368378  
01 FC:219 150.00 CH


Peter J. Manso  
Jenkins & Gilchrist, P.C.

Express Mail No.: EE863295453US  
IPDAL:18002.1 32892-00002

1445 Ross Ave.  
Suite 3200  
Dallas, TX 75202

Respectfully Submitted,

Date: February 26, 1999

  
Peter J. Manso  
Reg. No. 32,264

Jenkins & Gilchrist, P.C.  
1445 Ross Ave.  
Suite 3200  
Dallas, Texas 75202  
(214) 855-4500  
(214) 855-4300 (Fax No.)  
(954) 752-7169 (Direct Dial)